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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/176,639	10/20/1998	RICHARD ROBERT SCHEDIWY	20864.00600	2112

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EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 10/01/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/176,639

Applicant(s)

SCHEDIWY ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grabner et al (US 4,731,694) in view of Greanias et al. (US 5,386,219).

As to independent claim 13, Grabner et al disclose a touch pad module comprising sensor, insulative and conductive layers as shown in Col. 3, lines 20-22, 31-61 and Col. 4, lines 26-30. Grabner et al discuss where the sensor layer is Fig. 1, items 7 and 8, and where the insulative layer is Fig. 1, item 24. In a special embodiment of the touch pad, the insulative layer 24 also comprises a metallized layer as a conductor on upper flat surface. It would have been obvious that this extra layer shows the three layers of the touch pad with the sensor layer on the bottom, the insulative layer on top of the sensor layer and the conductive layer on top of the insulative layer. This order could be advantageous as to have better touch detection.

Grabner et al do not disclose where said a conductive object comprises one of a finger of a user and a tip of a stylus applied to the surface of said conductive layer, and wherein said touch pad module when used in conjunction with said electronic device can analyze capacitive

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measurements emanated from said module to enable said device to distinguish finger and stylus contact. Greanias et al discloses in col. 5, lines 58-63 where the conductive object may be either a finger or a stylus. Greanias et al disclose and wherein said touch pad module when used in conjunction with said electronic device can analyze capacitive measurements emanated from said module to enable said device to distinguish finger and stylus contact in col. 3, lines 39-col. 4, line 32, col. 7, lines 57-col. 8, line 40. It would have been obvious to one of ordinary skill in the art to combine the system of Grabner et al with that of Greanias et al as they both disclose a touch panel with sensor, insulative and conductive layers where a finger or stylus may be used. The system as disclosed by Greanias et al is advantageous as it can distinguish between a finger and stylus, and increases the speed at which the presence of a conductive can be detected as well as improve the accuracy of determining the position of the conductive object as shown in col. 3, lines 25-34.

As to independent claim 14, limitations of claim 13, and further comprising, wherein said conductive layer is of a resistance as to expand a small contact area of a tip of a conductive stylus into an image of suitable size for position measurement. Grabner et al fail to disclose wherein said conductive layer is of a resistance as to expand a small contact area of a tip of a conductive stylus into an image of suitable size for position measurement. Greanias et al disclose in col. 4, lines 39-68 and col. 6, lines 31-54, wherein the conductive layer is of a resistance as to expand a small contact area of a tip of a conductive stylus into an image of suitable size for position measurement. It would have been obvious to one of ordinary skill in the art to combine the system of Grabner et al with that of Greanias et al as they both disclose a touch panel with sensor, insulative and conductive layers where a finger or stylus may be used.

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The system as disclosed by Greanias et al is advantageous as it can distinguish between a finger and stylus, and increases the speed at which the presence of a conductive can be detected as well as improve the accuracy of determining the position of the conductive object as shown in col. 3, lines 25-34.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grabner et al in view of DePalma et al. (US 5,558,977).

As to independent claim 15, limitations of claim 13, and further comprising, wherein said conductive layer comprises a sheet of plastic embedded with conductive carbon. Grabner et al do not disclose where the conductive layer comprises a sheet of plastic embedded with conductive carbon. DePalma et al discloses transparent conductive layer. In col. 2, lines 39-46 DePalma et al disclose where conductive layers have been described to contain conductive carbon particles. Further DePalma et al disclose in col. 11, lines 13-24 where these conductive layers are used in touch panels and liquid crystal displays. It would have been obvious to one of ordinary skill in the art to combine the system of Grabner et al with that of DePalma et al as DePalma et al disclose the composition of a conductive layer used in touch panels and liquid crystal displays. The addition of a conductive carbon in the conductive layer is advantageous as it would be an antistatic system which is one where the electrostatic charge can be dissipated as is advantageous as it reduces irregular fog patterns and provides a high degree of transparency as is disclosed in col. 1, lines 29-37 and col. 5, lines 26-40.

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***Response to Arguments***

4. Applicant's arguments with respect to claims 13-15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-6606 (for informal or draft communications, please label

“PROPOSED” or DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575.

The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 308 9051 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
September 27, 2002



STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600